

10-12-5: ACCESSORY BUILDING REGULATIONS:

A. Definitions: For the purpose of this section, the following shall be used as definitions:

1. **ACCESSORY BUILDING:** An accessory building for both residential and nonresidential development is defined as a building that:
 - a. Is detached from the principal building
 - b. Is clearly a supplementary use to the principal building
 - c. Is not used as a dwelling or place of residence.
2. **ACCESSORY STRUCTURE:** A structure that does not provide shelter from the elements. Examples may include swimming pools, pool screening and decking, water falls, fountains and barbecue pits with concrete foundations, decorative ponds, decks, at grade patios, and the like. Not included in this section are driveways, fences, walls, curbing, portable fountains, birdbaths, benches, or mobile barbeque pits.
2. **BUILDING:** a permanent or semi-permanent structure with a roof and usually with walls that is used as a place for people to live, work, play, do activities, store things, and the like.
3. **GARAGE-DETACHED:** A permanent building with footings that is enclosed on all sides by walls and/or doors, and designed primarily for the shelter of motor vehicles. A detached garage is an accessory building.
4. **PORTABLE ACCESSORY BUILDING:**
 - a. A building that is two-hundred (200) square feet or less
 - b. A semi-permanent structure with no concrete footings or concrete floor and is on skids or some type of device that will allow for easy relocation
 - c. Does not exceed twelve (12) feet in height from the lowest part of the structure to the top
5. **PRINCIPAL BUILDING:** Also known as the main building on a lot where the most of the activity on that lot is performed. Garages, carports or other buildings attached to the principal building or that are within six (6) feet of the principal building shall be considered as a part of that principal building.
6. **ROOF ONLY BUILDING:** Consists of a roof and roof support structure. Up to three (3) sides may be covered but the sides must not be part of the support structure for the roof. A roof only building is an accessory building. A conditional use permit is required if a roof only building is larger than seven-hundred (700) square feet.
7. **SIDE YARD, FOR DETERMING ANY ACCESSORY BUILDING COVERED AREA:** The area between the front wall plane of the principal building and the rear wall plane of the principal building and the area between the side wall plane of the principal building and the side yard property line.

B. Prohibited uses:

1. A dwelling or place of residence
2. Use as sleeping quarters
2. Hazardous chemical storage unless specifically permitted by the city

C. Prohibited Accessory Buildings and Structures: The following accessory buildings and structures are prohibited:

1. Tents (when used more than 2 weeks in a 2-month period).
2. Trailers and mobile homes (when used as an accessory building).
3. Cargo containers, reefer containers, cargo trailer containers, and the like.

D. Accessory Building Coverage Area:

Accessory buildings may not cover more than 20% of the combined total area of the rear and side yards nor more than 10% of the total lot area, whichever is less.

(Ord. 01-12-11-22, 12-11-2001, eff. 1-11-2002)

E. Accessory Building or Structure Setbacks: All accessory buildings or structures shall be located in accordance with the following:

1. Front Setback:

- a. Any accessory building portable or otherwise shall be placed behind the front wall plane of the principal building, the front being defined as the wall plane facing the abutting street.
- b. Any accessory structure except for water falls, fountains, or decorative ponds shall be placed behind the front wall plane of the principal building, the front being defined as the wall plane facing the abutting street. (Ord. 02-7-23-14, 7-23-2002, eff. 8-15-2002)

2. Side Setback; Corner Lot, Side Abutting Street:

- a. Any accessory building portable or otherwise shall be placed behind the side wall plane of the principle building that is abutting the side street.
- b. Any accessory structure except for water falls, fountains, or decorative ponds shall be placed behind the side wall plane of the principal building that is abutting the side street. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001)

3. Side and Rear Setback; Interior Lot Line:

- a. An accessory building or an accessory structure shall be located a minimum eight (8) feet from the property line and not located on a public utility easement.
- b. Portable accessory buildings maybe placed on a public utility easement; but, the owner or successor in interest shall be responsible for moving and for any associated costs for moving the building in the event public utilities need to do work within the public utility easement. (Ord. 01-1-9-3, 1-9-2001, eff. 1-18-2001; amd. 2003 Code)

4. Setback From Principal Building: Accessory buildings which are located six (6) feet or less from the principal building shall be considered part of the main building. Set backs shall be the same as those for the principal building, and all current building codes shall apply.

F. Accessory Building Maximum Height: An accessory building is not to exceed thirty (30) feet in height from the lowest part of the structure, which is the bottom of the lowest sill plate, to the highest point on the roof. In addition, the accessory building maximum height shall not exceed the maximum height of the principal building. Maximum portable accessory building height is per A-4-c of this section.

(Ord. 08-15, 9-23-2008, eff. 9-24-2008)

G. Building Permit Required:

1. Any accessory building or accessory structure not meeting the definition of a portable accessory building as defined in A-4 of this section shall have a building permit issued before work commences.
2. A portable accessory building with a 120-volt or greater electrical system, or connected to utilities as per 10-7A-7 of this chapter shall require a permit. Only the electrical and/or utilities need be inspected.

H. Conditional Use Permit Required: A roof only building exceeding seven-hundred (700) square feet may be permitted following conditional use approval by the planning commission in accordance with

section 10-12-33 of this chapter. The roof only building shall conform to the setbacks found in the applicable zone where it will be located.

- I. Drainage: No drainage from the roof of any accessory building may be discharged on to an adjacent lot.
- J. Vacant Lot: Where no principal building exists on a lot, an accessory building may be permitted following conditional use approval by the planning commission in accordance with section 10-12-33 of this chapter. The accessory building shall conform to the setbacks found in the applicable zone where it will be located.
- K. Nonconforming Uses: All accessory buildings not in compliance at the time of the adoption hereof are hereby grandfathered and are allowed to continue undisturbed. Any subsequent modification to an accessory building or to the use of that building shall require the prevailing code be followed.